

## **REMARKS**

Applicants are in receipt of the Office Action mailed March 24, 2004. Claims 1-45 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 102(e) Rejections:**

The Office Action rejected claims 1-3, 5, 6, 16-18, 20, 21, 31-33, 35 and 36 under 35 U.S.C. § 102(e) as being anticipated by Carre (U.S. Patent 6,282,579). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 1, applicants disagree with the Examiner's characterization of Carre. Applicants assert that Carre does not teach a gateway configured to deliver messages between managed objects and one or more managers through a platform-independent interface, wherein the gateway is configurable to deliver the messages for each manager in a format selected by that manager, as the examiner contends. Carre pertains to address conversion between CORBA objects and OSI objects (Carre - col. 1, lines 9-19; col. 1, line 59 - col. 2, line 46) and to the transforming of object interfaces column 5, lines 49-59). Thus, Carre is converting address types and object interfaces, not message formats.

Carre teaches that address conversion is performed according to the type of objects that are communicating. There is no ability in Carre for the managers to select a desired format. The sections cited by the Examiner (col. 5, lines 49-59 and col. 6, lines 30-35) refer to address-type conversion between CORBA objects and OSI objects. There is absolutely no mention in Carre of managers being able to select the format for messages delivered by the gateway. Additionally, Carre does not describe any mechanism by which a manager can select a format for messages. The gateway in Carre is clearly not capable of allowing the managers to select a format. Instead, Carre teaches that the address-type must be specific to the object type.

In response to Applicants' previous arguments, the Examiner contends that the Applicants have failed to consider "the teaching of Carre for translating each message from one format [i.e. OSI objects] into another format [i.e. CORBA objects] in the communication layer of the gateway, wherein the format can be accessed by each deliver[y] manage[r] [i.e. classic CORBA message; col 5, lines 49-59]" (Conclusion, Office Action of March 24, 2004). The Examiner further asserts that such translating as taught by Carre constitutes teaching a gateway that is configured to deliver a message for each manager in a format selected by that manager. Applicants, however, disagree with the Examiner's characterization of Carre.

The portion of Carre cited by the Examiner (column 5, lines 49-59) describes how OSI objects OM and OA can be transformed into pure CORBA objects to allow them to be accessed using classic CORBA messages. Carre is clearly teaching the transformation of object interfaces so that a single message format (classic CORBA) may be used with either OSI objects or CORBA objects. Thus, Carre does not teach a gateway "configured to deliver the message for each manager in a format selected by that manager" as asserted by the Examiner. Rather, than teaching the translation of each message as the Examiner contends, Carre actually teaches the use of additional communication layers (GDMO/C++, GDMO/IDL and CMISE/IDL), or components, between OSI objects and CORBA objects that translate the interfaces to the objects such that they are accessible using CORBA messages (Carre, Figures 2a and 2b, column 5, lines 49-59). **Carre teaches transforming the object interfaces themselves, not the messages.**

Thus, Carre is teaching away from a gateway configured to deliver the message for each manager in a format selected by that manager by translating the object interfaces through additional communication layers rather than having multiple message formats.

Applicants remind the Examiner that for a rejection under section 102, the identical invention must be shown in as complete detail as is contained in the claims. M.P.E.P. § 2131; *see also, Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed.

Cir. 1989). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

In light of the above remarks, applicants assert that the rejection of claim 1 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 1 apply to claims 16 and 31.

In regard to claim 2, Carre does not teach that the gateway is configurable to deliver messages to a manager in a text format as selected by the manager. In response to applicants' previous arguments, the Examiner refers to the teaching in Carre regarding converting from "full-distinguished name" to ASN.1 type. However, as is clearly explained in Carre at col. 1, lines 45-48, "full-distinguished name" is an address type, not a text message format. The description in Carre at col. 6, lines 22-26 and 30-35 pertains to address-type conversion, not message formats. Thus, Carre teaches the conversion of address types within messages of a standard format. Further, this portion of Carre clearly does not describe a manager selecting a text format for messages delivered from a gateway.

Thus, in light of the above remarks, applicants assert that the rejection of claim 2 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 2 apply to claims 17 and 32.

Claims 1, 2, 4-11, 13-17, 19-26, 28-32, 34-41 and 43-45 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shank et al. (U.S. Patent 6,445,776) (hereinafter "Shank"). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 1, Shank does not teach a network management system comprising a gateway configured to deliver messages between managed objects and one

or more managers through a platform-independent interface, wherein the gateway is configurable to deliver the messages for each manager in a format selected by that manager, as stated by the Examiner. Instead, Shank pertains to providing telephony and media services from a server 110 to an application 140 (Shank, Figure 1, column 1, lines 13-18). According to Shank, the server may include various service interfaces, such as telephony services 210, media services 220, and basic services 230. Shank's system provides a CORBA ORB 260 for communicating with these interfaces (col. 3, line 31 - col. 4, line 13). As described in Shank, the service interfaces (such as telephony services 210 and media services 220) allow application 140 to interact with services such as telephone services provided on telephone network 105 and media services provided by various hardware components (col. 7, lines 15-28).

Contrary to the Examiner's assertions, the service interfaces 210, 220 and 230 of Shank's server 110, do not provide a gateway configured to deliver messages between managed objects and one or more managers through a platform-independent interface, wherein the gateway is configurable to deliver the messages for each manager in a format selected by that manager. Shank does not pertain to interactions between managers and managed objects as these entities are understood in the art. Instead, Shank only discusses the client-server interactions between application 140 and server 110. In other words, Shank only discusses providing telephony and media services through a server to a client application. Shank does not discuss managing managed network objects. As discussed above, Shank's interfaces 210, 220, 230 provide service interfaces for an application 140. They do not deliver messages between managed objects and one or more managers. Contrary to the Examiner's assertion, telephony service interface 210 is not a manager for managed objects. The concept of managers and managed objects is well understood in the art of managed networks. Managers and managed objects have a well-known relationship in managed networks. In contrast, telephony service interface 210 (including 212-216) is clearly described in Shank as providing an interface for application 140 to access services on telephony network 105. Interfaces 210-216 in Shank have nothing to do with managing managed objects on a managed network.

Furthermore, Shank clearly does not teach a gateway that is configurable to deliver the messages for each manager in a format selected by that manager. The Examiner refers to col. 5, lines 39-50 and col. 17, lines 26-37. However, these portions of Shank give examples of media and telephony services that Shank's interfaces 220 and 210 allow application 140 to access. This portion of Shank has nothing to do with message formats, let alone delivering a message in a format selected by a manager. Applicants' fail to see any relevance of the Examiner's cited references. The Player, Recognizer, etc. discussed in Shank are media services, not managers for managed objects in a managed network. Moreover, there is clearly no teaching in Shank that these services select a format in which to receive messages delivered by a gateway.

The service interfaces as described by Shank are defined according to the target object or target hardware, such as text-to-speech services 222, or facsimile services 228, and the formats of messages are not selected by a manager managing such a target object. In fact, Shank teaches using a custom format "based on similar methods specified in the ECTF S 1.00API," but defined using IDL (Shank, column 17, lines 31-34). Data used by these interfaces is "in the form of a key value set (KVS) which contains a sequence of keys associated with values " and "[s]tructurally, a KVS is a sequence of key value pairs (KVPairs)" (Shank, column 9, lines 1-7). As Shank describes, "[m]ethod invocations on remote objects occur through an underlying protocol, which can be specific to an ORB vendor or based on an industry standard" (Shank, column 3, lines 52-58). Under Shank, application 140, which the Examiner has erroneously characterized as a manager, communicates with various services using whatever interface the service has registered with resource administrator 236 (Shank, column 5, lines 16-22). Thus, Shank clearly teaches the use of predefined message formats and not the use of formats selectable by a manager.

In response to Applicants' previous arguments, the Examiner responded that "the format or interface for each of these [Shank's] services are different, ... being selected by that deliver[y] manager" (Conclusion, Office Action of March 24, 2004). Applicants assert, however, that this is merely the Examiner's speculation and is not actually taught

by Shank. Applicants further point out that the portions of Shank cited (column 5, lines 39-50 and column 17, lines 26-37) by the Examiner in support of his assertions teach only that different interfaces may include different method definitions, but fail to teach anything regarding the format of messages and further fail to teach message formats selectable by a manager.

Thus, in light of the above remarks, applicants assert that the rejection of claim 1 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 1 apply to claims 16 and 31.

In regard to claim 2, Shank does not teach that the gateway is configurable to deliver messages to a manager in a text format as selected by the manager, as expressed by the Examiner. In response to Applicants' previous arguments, the Examiner directs Applicants to the teaching of Shank for providing text-to-speech services. The text-to-speech and fax services referred to by the Examiner are services accessed by application 140. For example, the text-to-speech service converts text data supplied by application 140 into speech. When discussing text-to-speech, Shank is referring to a high level function performed by the service, not an inter-object message format used for communicating with the service.

Applicants further disagree with the Examiner's characterization of Shank's facsimile service interface 228 in Fig. 2 as a system "**wherein the selected format comprises text.**" Applicants respectfully submit that 228 is an *interface* to a facsimile service, and that facsimile is not a text format. Facsimile services use an image (not text) format to communicate and therefore applicants can find no relevance of the examiner's cited passage to textually formatted messages.

Even if Shank's application 140 were to represent a manager object, which the applicants contend it does not, Shank still does not teach that application 140 may choose text-to-speech as a message format for communicating with a service object. In contrast, Shank teaches that application 140 must use an interface specified by the text-to-speech

service's ORB vendor (Shank, column 3, line 65-column 4, line 6). Thus, the text-to-speech service is not used to select a message format for communicating between a manager and a managed object. Shank clearly does not describe a manager being able to select a text format for messages delivered from a gateway.

Thus, in light of the above remarks, applicants assert that the rejection of claim 2 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 2 apply to claims 17 and 32.

In regard to claim 10, Shank does not teach that the gateway comprises a request gateway which is configured to deliver messages generated by the one or more managers to the one or more managed objects, wherein the messages comprise a query for information concerning one of the managed objects. The portions of Shank cited by the Examiner refer to application 140 invoking functions of the telephony and media services. These teachings have nothing to do with a query for information concerning a managed object. The concepts of managers and managed objects are well understood in the art of managed networks. Managers and managed objects have a well-known relationship in managed networks. Shank does not pertain to interactions between managers and managed objects, as these entities are understood in the art. In contrast, Shank only discusses the client-server interactions between application 140 and server 110. In other words, Shank only discusses providing telephony and media services through a server to a client application. Shank does not discuss managing managed network objects. Further, applicants can find no reference in Shank teaching a query for information concerning a managed object.

Thus, in light of the above remarks, applicants assert that the rejection of claim 10 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 10 apply to claims 25 and 40

Similarly, in regard to claim 11, Shank does not teach that the gateway comprises a request gateway which is configured to deliver messages generated by the one or more

managers to the one or more managed objects, wherein the messages comprise a command to set one or more parameters of one of the managed objects. Instead, the parameters referred to in the examiner's cited passage (Shank, col. 17, lines 53-66), are parameters for a specific play function of the Player media service interface, not parameters set for a managed object by a command from a manager.

Thus, in light of the above remarks, applicants assert that the rejection of claim 11 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 11 apply to claims 26 and 41.

In regard to claim 13, applicants disagree with the Examiner's statement that "Shank teaches that the requests are converted from the interface definition language to a platform-specific format prior to delivery to the managed objects." Shank does not teach that the requests are converted from the interface definition language to a platform-specific format prior to delivery to the managed objects. The Examiner refers to col. 5, lines 39-50, of Shank. This portion of Shank discusses examples of media and telephony services but teaches nothing about converting requests from the interface definition language to a platform-specific format prior to delivery to the managed objects. In fact, applicants can find no wording in the cited passage that refers to requests in general and nothing that even suggests that any request are converted. Thus, applicants can find no basis for the Examiner's contention regarding converting requests and submit that this is mere speculation on the Examiner's part.

Thus, in light of the above remarks, applicants assert that the rejection of claim 13 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 13 apply to claims 28 and 43.

In light of the above remarks, applicants assert that the Examiner's rejections under §102 are not supported by the cited art, and should thus be withdrawn.

**Section 103(a) Rejection:**



The Office Action rejected claims 3, 12, 18, 27, 33 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Shank as applied to claims 1-2, 4-11, 13-17 19-26, 28-32, 34-41 and 43-45 above. Applicants respectfully traverse this limitation for at least the following reasons.

Applicants submit that the Examiner has not established a proper *prima facie* case of obviousness in regard to these claims. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so in the prior art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988); M.P.E.P. § 2143.01. The question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 488 (Fed. Cir. 1984). Merely stating that individual aspects of a claimed invention are well known does not render the combination well known without some objective reason to combine the individual teachings. *Ex parte Levengood*, 28 USPQ2d 1300.

The Examiner has not provided any prior art reference or specific finding that provides a motivation to use ASN.1 in Shank in any way. Nor has the Examiner provided any prior art reference or specific finding that provides a motivation to modify Shank to convert requests from the interface definition language to a PMI format prior to delivery to the managed objects, as the Examiner contends. The Examiner states only that such modifications would be obvious “for fulfilling the system requirements.” However, there are no system requirements taught in Shank that would require or even suggest selecting ASN.1 as a message format. Nor are there in requirements taught in Shank that would require or even suggest converting requests from the interface definition language to a PMI format prior to delivery to the managed objects.

In response to applicants previous assertion of the hindsight basis for the Examiner’s rejection of claims 3, 12, 18, 27, 33 and 42, the Examiner states, “Abstract

Syntax Notation One (ASN1) is a well-known industry standard which is used for defining the data types for object attributes; Furthermore, Portable Management Interface (PMI) is only an abstraction of an interface, it can be developed for any specific system.” The Examiner concludes that, “the rejection of claims 3, 12, 18, 27, 33 and 42 is based on the concept and advantage of industry standard and ordinary skill in the art.” Applicants assert that the Examiner is merely stating that individual aspects of Applicants’ invention are well known and therefore it would be obvious to combine them with Shank and fails to give any objective reason or motivation to modify Shank. Just because ASN1 and PMI are known to be used in other types of systems does not mean that one of ordinary skill in the art would have any reason to use them in Shank’s system. The Examiner has not provided any evidence showing that the reasons for using ASN1 and PMI in other systems would apply to Shank’s system or that ASN1 and PMI would even be applicable to Shank’s system.

The Examiner’s §103(a) rejection amounts to nothing more than pure conclusory speculation by the Examiner. Mere speculation is not sufficient to support a *prima facie* case of obviousness. M.P.E.P. § 2142; *see also, In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967); *In re Sporck*, 301 F.2d 686, 690, 133 USPQ 360, 364 (CCPA 1962). “The factual inquiry whether to combine references must be thorough and searching.” *McGinley v. Franklin Sports, Inc.*, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001). It must be based on objective evidence of record. “This precedent has been reinforced in myriad decisions, and cannot be dispensed with.” *In re Sang Su Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002). “The need for specificity pervades this authority.” *Id.* “Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.” *In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

Applicants assert that the Examiner has not satisfied the rigorous tests for properly modifying a prior art reference to establish obviousness. Instead, as discussed above, the Examiner’s reasoning is not supported by the teachings of the references, lacks specificity, and is based in hindsight.

Further, claims 3, 12, 18, 27, 33 and 42 are distinguishable over the cited art for at least the reasons given above in regard to the individual claims from which they depend.

In light of the above remarks, Applicants assert that the Examiner's rejections under § 103(a) are not supported by the cited art, and should thus be withdrawn.

Applicants also assert that numerous ones of the dependent claims recited further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

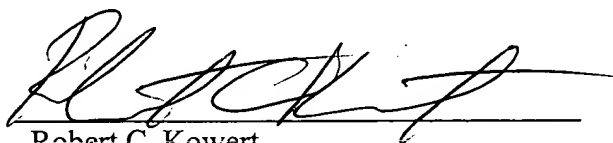
Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5500-61100/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (        ).
- ☐ Other:

Respectfully submitted,



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